

SHORT FORM ORDER

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE CARMEN R. VELASQUEZ IAS PART 38
Justice

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WASHINGTON RAMIREZ,

Index No. 11976/14

Plaintiff,

Motion

Date: January 4, 2016

-against-

M# 2

KELLY A. CRUSE and KARL CRUSE,

Defendants.

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The following papers numbered 1 to 4 read on this motion by the plaintiff for an order appointing a temporary administrator of the estate of the defendant Karl Cruse.

Papers
Numbered

Notice of Motion - Affidavits - Exhibits 1 - 4

Upon the foregoing papers it is ordered that this motion by the plaintiff, which was reassigned to this Part pursuant to a directive of the Honorable Jeremy S. Weinstein, Administrative Judge, dated January 20, 2016, is denied without prejudice to proceed in the Surrogate's Court of appropriate jurisdiction for the appointment of an estate representative for the deceased defendant, Karl Kruse.

Thereafter, an application may be made in this court for the substitution of the estate representative as a party defendant, and such application shall have annexed thereto a copy of the letters of appointment.

The power of the Supreme Court to appoint an administrator should be exercised sparingly, with due regard for the expertise of the Surrogate's court in these matters and only in limited circumstances. (*Abecasis v Fontanazza*, 10 Misc 3d 195, 197 [Civ Ct, Kings County 2005]; *Jones v Vetter*, 188 Misc 2d 475, 476 [Sup Ct, Nassau County 2001].)

Dated: February 22, 2016

CARMEN R. VELASQUEZ, J.S.C.

